

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days, unless an alternative period is set jointly by the presiding officers, to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. Except as otherwise provided in this Joint Rule, this method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, by joint standing or joint select committees or pursuant to law or statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft.

The Revisor of Statutes shall prepare in concept form a bill submitted pursuant to the Maine Revised Statutes, Title 5, chapter 149 that proposes to make unified appropriations and allocations for the expenditures of state government for the biennium or supplemental appropriations and allocations, and shall include an Internet address at which may be found the text of the draft unified budget bill submitted to the Revisor of Statutes by the Governor.

A proposal to adopt a uniform or model act must be prepared in concept form, and must include an Internet address at which may be found the text of the proposed uniform or model act.

EXPLANATION OF PROPOSED CHANGE

This change requires that any legislation that proposes to adopt a uniform or model act be prepared in concept form, and must include an Internet address at which may be found the text of the proposed uniform or model act.

STRAW VOTE: 10-0

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The Revisor of Statutes shall prepare in concept form a bill submitted pursuant to the Maine Revised Statutes, Title 5, chapter 149 that proposes to make unified appropriations and allocations for the expenditures of state government for the biennium or supplemental appropriations and allocations, and shall include an Internet address at which may be found the text of the draft unified budget bill submitted to the Revisor of Statutes by the Governor.

A proposal to recodify a title of the Maine Revised Statutes may not go forward in the absence of legislation prepared in accordance with this paragraph. Legislation that proposes to recodify a title of the Maine Revised Statutes must be prepared by the Revisor of Statutes to direct appropriate legislative council staff to work with the requestor over the course of a sufficient number of legislative interims to ensure the accurate completion of the recodification. Legislation that authorizes such a recodification must be placed on the special study table that is established in accordance with Joint Rule 353. The Legislative Council shall review legislation proposing recodifications together with proposed studies that are on the study table and shall authorize the allocation of budgetary and staffing resources for those studies and recodifications identified by the Legislative Council. Legislative resources may not be used to recodify a title without approval of the Legislative Council. For purposes of this paragraph, legislation to recodify a title of the Maine Revised Statutes includes legislation that proposes to recodify, with or without substantive revisions, the entirety of one or more titles of the statutes or a substantial portion of one or more titles of the statutes.

EXPLANATION OF PROPOSED CHANGE

This change requires that any legislation that proposes to recodify, with or without substantive revisions, an entire title of the statutes or a substantial portion of a title must direct legislative council staff to work with the requestor over a sufficient period of time to ensure the accurate completion of the recodification, and that legislation proposing such a recodification be placed on the special study table.

STRAW VOTE: 10-0

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The Revisor of Statutes shall prepare in concept form a bill submitted pursuant to the Maine Revised Statutes, Title 5, chapter 149 that proposes to make unified appropriations and allocations for the expenditures of state government for the biennium or supplemental appropriations and allocations, and shall include an Internet address at which may be found the text of the draft unified budget bill or supplemental budget bill submitted to the Revisor of Statutes by the Governor.

A proposal to adopt a uniform or model act must be prepared in concept form, and must include an Internet address at which may be found the text of the proposed uniform or model act.

EXPLANATION OF PROPOSED CHANGE

Eliminates concept drafts with the current exception of Governor's budget bills, adds an exception for uniform acts and model acts and requires those uniform or model act concept drafts to include an Internet address at which may be found the text of the proposed uniform or model act.

STRAW VOTE: 4-6

JOINT RULE 214

Rule 214. Memorials.

A memorial submitted prior to cloture is not subject to approval ~~after is not in order for introduction unless approved~~ by a majority of the Legislative Council. A memorial submitted after cloture is subject to the requirements of Joint Rule 205.

EXPLANATION OF PROPOSED CHANGE

Allows a Joint Resolution memorializing an entity that is submitted prior to cloture to be submitted without approval of the Legislative Council. A memorializing Joint Resolution submitted after cloture is subject to the same requirements as other "after-deadline" bill requests.

STRAW VOTE: 4-6

JOINT RULE 215(1)

Rule 215(1): Calling of Article V Convention

1. Calling of Convention pursuant to Article V of the United States Constitutional Convention Constitution. An item requesting the calling of a United States Constitutional Convention pursuant to Article V of the United States Constitution requires a 2/3 majority vote of the members present in each chamber;

EXPLANATION OF PROPOSED CHANGE

Changes from 2/3 to a majority the vote needed to approve a measure calling for an Article V of the U.S. Constitution convention and clarifies the name of that procedure.

STRAW VOTE: 3-7

Rule 302. Membership.

Each of the joint standing committees consists of 13 members, 3 from the Senate and 10 from the House of Representatives. The first Senate member named is the Senate chair. The first House member named is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Except for members serving on the Legislative Council, every ~~Every~~ member of the Senate and the House of Representatives is entitled to at least one initial committee assignment.

EXPLANATION OF PROPOSED CHANGE

Currently, legislators who serve on the Legislative Council do not necessarily receive an initial committee assignment. This change reflects the current practice.

STRAW VOTE: 10-0

JOINT RULE 304

Rule 304. Procedures for Public Hearings and Work Sessions.

At the beginning of each legislative biennium, the presiding officers shall establish procedures that govern public hearings, work sessions and confirmation hearings. Once established, copies of the procedures must be sent to the committees, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council. A committee by majority vote may ~~make~~ propose exceptions to the rules and ~~notify the presiding officers of exceptions to the rules.~~ exceptions to the rules are subject to the approval of the presiding officers. Final committee rules must be posted and made available upon request at all public hearings and work sessions.

The rules of procedure in committee are the same as the rules of the Senate and the House of Representatives to the extent applicable. Committee procedures must be consistent with these rules.

The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority vote of the committee membership.

Scheduling of bills to be considered in public hearings and work sessions must be arranged by the Senate chair with the agreement of the House chair; if agreement is not reached, the committee shall decide by majority vote of the membership.

At public hearings, the chair may limit testimony as necessary for the orderly conduct of the hearing. Members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While aggressive and probing questions may sometimes be appropriate, members shall exhibit respect for the witnesses and for one another. Members shall refrain from interrogation that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. A committee member who is the primary sponsor of a bill and any member who testifies for or against the bill should ordinarily refrain from questioning other witnesses.

EXPLANATION OF PROPOSED CHANGE

Proposed exceptions to rules of committee procedure require approval of the presiding officer.

STRAW VOTE: 10-0

Rule 305. Scheduling Public Hearings and Work Sessions.

At the beginning of the regular session, the presiding officers shall jointly establish authorized meeting days for committees to hold their public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Committees may meet only on authorized meeting days unless the presiding officers authorize an exception in writing. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day in the State House and the Cross Building. A committee may not hold a hearing or conduct a work session for which notice has not been posted.

Notice of Public hearings must be advertised provided no later than 5:00p.m. on the Friday 2 weekends in advance of the hearing date, including but not limited to, by posting on the Legislature's website. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that a person not be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings and allow adequate time for participation by disabled persons.

EXPLANATION OF PROPOSED CHANGE

Specifies that notice of public hearings must be provided by 5:00p.m. on Friday 2 weekends in advance and that notice may be provided by posting on the Legislature's website.

STRAW VOTE: 10-0

Rule 305. Scheduling Public Hearings and Work Sessions; Concept draft amendments.

1. Scheduling. At the beginning of the regular session, the presiding officers shall jointly establish authorized meeting days for committees to hold their public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Committees may meet only on authorized meeting days unless the presiding officers authorize an exception in writing. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day in the State House and the Cross Building. A committee may not hold a hearing or conduct a work session for which notice has not been posted.

2. Advance notice. Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions must be approved by both presiding officers.

3. Notification of sponsors. The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

4. Access. It is the intent of the Legislature that a person not be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings and allow adequate time for participation by disabled persons.

5. Hearing of concept drafts; posting. If a bill printed as a concept draft pursuant to Joint Rule 208, with the exception of budget bills presented by the Governor, model acts and uniform acts, is referred to a committee, the sponsor of that concept draft shall submit a proposed amendment to that concept draft to that committee no later than 3 business days before the public hearing scheduled for that concept draft. That proposed amendment must be posted on the Legislature's website no later than 2 business days before the public hearing.

6. Automatic withdrawal. Notwithstanding Joint Rule 310, if a sponsor of a concept draft fails to submit a proposed committee amendment as required by subsection 5, that concept draft is automatically and immediately withdrawn and placed in the legislative files.

EXPLANATION OF PROPOSED CHANGE

This change:

- Requires the sponsor of a concept draft to provide a proposed amendment to the committee at least 3 business days prior to the scheduled public hearing;
- Requires the sponsor's proposed amendment to that sponsor's concept draft to be posted at least 2 business days prior to the public hearing;
- Provides that failure to provide a proposed amendment to the concept draft by the deadline results in that concept draft being automatically withdrawn and placed in the legislative files, notwithstanding the reporting requirement.

This change also reformats the rule to include subsections for each substantive piece.

STRAW VOTE: 9-1

ISSUES FOR MEMBERS TO CONSIDER REGARDING CHANGES TO JR 305 (OR ASSOCIATED GUIDANCE FROM PRESIDING OFFICERS)

- If a sponsor requires assistance from nonpartisan or partisan staff with drafting the proposed amendment to a concept draft, is there a deadline for the sponsor to request that assistance? See, e.g., JR 208, which requires sufficient information to be provided within 5 days of notice.
- Is there a limit on the number of revisions a sponsor may request to the proposed amendment to the concept draft? See, e.g., JR 211, which limits the number of revisions a sponsor may have to a bill draft to one.
- If staff cannot complete the draft by the deadline, what is the consequence?
- To ensure the Legislature can complete its work in a timely fashion, should a deadline for the drafting of amendments to concept drafts be established?
- Alternatively, should the public hearing be scheduled only after the proposed amendment is done?
- How should drafting of proposed concept draft amendments be prioritized in comparison to original bill drafting, committee amendment drafting, the budget, floor amendments, etc.?
- Should the rule specify that concept drafts, upon filing, and any sponsor amendment to that concept draft prior to the public hearing is not confidential to allow staff to discuss the drafting status of the proposed amendment with the committee chairs?

Rule 308. Reference of Bills to Committee.

All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote in each chamber.

1. ~~Legislature in Session~~ Suggested Reference by Secretary and Clerk. ~~When~~ At the direction of the Presiding Officers, when the Legislature is in session, the Secretary of the Senate and the Clerk of the House shall jointly suggest an appropriate committee reference for every bill, resolve and petition offered. The suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of reference must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of suggested reference must be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber.

Each suggested reference appearing upon the Advance Journal and Calendar of each chamber must contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed.

Any member may move for reconsideration of a committee reference on the floor. Notwithstanding Joint Rule 103, a majority vote is necessary to overturn the original committee of reference.

2. ~~Legislature Not in Session~~ Reference to Committee by Secretary and Clerk. ~~When~~ the Legislature is not in session or is in recess ~~for more than 4 days~~, the Secretary of the Senate and Clerk of the House may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the President of the Senate and the Speaker of the House.

Upon reference of a bill to a committee by the Secretary and Clerk pursuant to this subsection, if a majority of the chairs and leads of the committee agree, in advance of scheduling the bill for public hearing, that the reference to that committee is inappropriate, a communication must be sent to the House and Senate with a recommendation of "change of committee reference." Upon reference of a bill to a committee pursuant to this subsection, if a majority of the chairs and leads of the committee agree, in advance of scheduling the bill for public hearing, that the reference to that committee is appropriate, that bill remains in that committee. If there is not a majority agreement among the chairs and leads regarding reference of that bill, the bill is designated for discussion by the committee for a possible committee report of "refer to another committee" under Joint Rule 310(2). Any bill that undergoes a reference determination pursuant to this subsection that is retained by the committee must be scheduled for a public hearing.

3. Reference to More Than One Committee. When a bill or resolve has a subject matter that falls within the jurisdiction of more than one committee, suggested references may be made and the full Legislature may vote to refer a bill or resolve to more than one committee. When references are made to more than one committee, the first named committee is responsible for the scheduling and conduct of all public hearings, subject to approval of the chairs of the other committee or committees. Committees to whom a bill or resolve is referred pursuant to this rule shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. The public hearing or hearings and work session or work sessions must be conducted jointly by both committees. The chairs of the committees involved shall establish the process for conduct of the work session or work sessions on the bill. If the chairs are unable to agree, the presiding officers shall establish the process. The work session process must provide for balanced representation for each committee. The report or reports on a jointly referred bill is as voted by the full membership of each committee, except that if a member serves on more than one committee to whom a bill or resolve is referred, that member may cast only one vote.

EXPLANATION OF PROPOSED CHANGE

This change (1) removes language that limited the Secretary and Clerk's authority to reference bills during session to those times when the Legislature was in recess for more than 4 days, (2) restores the referencing authority that existed in the 130th Legislature for the Secretary and Clerk, and (3) provides to chairs and leads the ability to recommend a "change of committee reference" in instances in which the Secretary and Clerk referred bills to committee.

Straw vote: 10-0

Rule 310. Reports of Bills from Committee.

1. Deadline for Reports. The joint standing committees shall report out every bill that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. Committee Reports. The report of the committee must include a recommendation. Recommendations that may be made are:

Ought to Pass

Ought to Pass as Amended

~~Ought to Pass in New Draft~~

Ought Not to Pass

Refer to Another Committee

Leave to Withdraw

Except for Leave to Withdraw, the committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. Except as provided in subsection 5, minority committee reports must be voted on at the same work session as the majority report on that bill. Notwithstanding subsection 5, a committee vote to report a bill out favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report. After a committee vote, no substantive change may be made in the committee report unless motions to reconsider and to amend the report are approved at a committee work session. All reports on any legislative document must be submitted to the Legislature at the same time.

3. Unanimous Ought Not to Pass Report. When a joint standing committee votes unanimously to report a bill "Ought Not to Pass," the committee shall notify the presiding officers, the sponsor and the cosponsors of the bill of their action. This communication must appear on the calendar in each chamber, and the bill, upon notification of both chambers, must be placed in the legislative file and may be recalled only as provided in Rule 404.

~~**4. Ought to Pass in New Draft Report.** When the changes voted by the committee are major, the committee may elect to report the bill out "Ought to Pass in New Draft," with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. New drafts printed pursuant to these rules must include the legislative document number that the new bill replaces and the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies that must be printed of each new draft.~~

5. Committee Voting. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the committee at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If the presiding officers jointly determine that operational needs of the Legislature so require, they may require that a member who is absent from the committee at the time of the vote register that member's vote by noon on the next business day following the committee vote.

A member who is not physically present at the meeting but who received permission from that member's presiding officer to participate by electronic means is deemed to be present for purposes of voting, but only

Joint Rule 310 (1 of 2 straw votes)

for voting on committee reports as specified in subsection 2 and only if the member votes in a manner that provides opportunity for those physically present at the meeting to see and hear how that member voted.

A member may be excused from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum.

No committee vote on a bill may be taken after 10:30 p.m. or before 7:30 a.m. unless authorized by the presiding officers. If the presiding officers provide this authorization, they shall notify the other members of the Legislative Council concurrently.

6. Leave to Withdraw. A sponsor may request leave to withdraw that sponsor's bill or resolve before the bill or resolve is advertised for a public hearing. The request may be granted only by the agreement of both chairs of the joint standing committee to which the bill or resolve was referred. When a request for Leave to Withdraw has been granted by the chairs, the bill or resolve must be reported out as Leave to Withdraw and placed in the legislative files and may be recalled only as provided in Joint Rule 404.

EXPLANATION OF PROPOSED CHANGE

Removes the committee report of Ought to Pass New Draft.

STRAW VOTE: 10-0

Rule 310. Reports of Bills from Committee.

1. Deadline for Reports. The joint standing committees shall report out every bill that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. Committee Reports. The report of the committee must include a recommendation. Recommendations that may be made are:

Ought to Pass

Ought to Pass as Amended

Ought to Pass in New Draft

Ought Not to Pass

Refer to Another Committee

Leave to Withdraw

Except for Leave to Withdraw, the committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. ~~Except as provided in subsection 5,~~ Minority committee reports must be voted on at the same work session as the majority report on that bill. ~~Notwithstanding subsection 5,~~ A committee vote to report a bill out favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report. After a committee vote, no substantive change may be made in the committee report unless motions to reconsider and to amend the report are approved at a committee work session. All reports on any legislative document must be submitted to the Legislature at the same time.

3. Unanimous Ought Not to Pass Report. When a joint standing committee votes unanimously to report a bill "Ought Not to Pass," the committee shall notify the presiding officers, the sponsor and the cosponsors of the bill of their action. This communication must appear on the calendar in each chamber, and the bill, upon notification of both chambers, must be placed in the legislative file and may be recalled only as provided in Rule 404.

4. Ought to Pass in New Draft Report. When the changes voted by the committee are major, the committee may elect to report the bill out "Ought to Pass in New Draft," with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. New drafts printed pursuant to these rules must include the legislative document number that the new bill replaces and the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies that must be printed of each new draft.

5. Committee Voting. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the committee at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote. A member may register a vote only on a report that was made when the vote was taken by the committee. A member may not register a vote with the clerk creating an additional report.

B. If the presiding officers jointly determine that operational needs of the Legislature so require, they may require that a member who is absent from the committee at the time of the vote register that member's vote by noon on the next business day following the committee vote.

JOINT RULE 310 (2 of 2 straw votes)
Unanimous (10-0)

A member who is not physically present at the meeting but who received permission from that member's presiding officer to participate by electronic means is deemed to be present for purposes of voting, but only for voting on committee reports as specified in subsection 2 and only if the member votes in a manner that provides opportunity for those physically present at the meeting to see and hear how that member voted.

A member may be excused from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum.

No committee vote on a bill may be taken after 10:30 p.m. or before 7:30 a.m. unless authorized by the presiding officers. If the presiding officers provide this authorization, they shall notify the other members of the Legislative Council concurrently.

6. Leave to Withdraw. A sponsor may request leave to withdraw that sponsor's bill or resolve before the bill or resolve is advertised for a public hearing. The request may be granted only by the agreement of both chairs of the joint standing committee to which the bill or resolve was referred. When a request for Leave to Withdraw has been granted by the chairs, the bill or resolve must be reported out as Leave to Withdraw and placed in the legislative files and may be recalled only as provided in Joint Rule 404.

EXPLANATION OF PROPOSED CHANGE

Provides that when a member of a committee who was not present at the time of a vote on a bill registers a vote with the clerk, that member may register a vote only on a report that was made when the committee vote was taken. A member may not register a vote with the clerk creating an additional report.

Rule 353. Legislative Studies.

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. Any bill, resolve or joint order proposing a legislative study that is inconsistent with this rule must be reviewed and approved by the Legislative Council.

1. Definitions. For the purposes of this Joint Rule, the following terms have the following meanings:

A. The term “legislative study” or “legislative study committee” means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;

B. The term “legislative resources” means the expenditure of any funds appropriated or allocated to the Legislative Account, ~~the appointment of one or more persons by the Legislature,~~ the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and

C. The term “non-legislative study” or “non-legislative study group” means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.

2. Establishing legislative studies. A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.

3. Appointment of members. A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.

4. Appointment of chairs. Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer members shall appoint a chair pro tem from among the appointed members to serve in the chair's absence.

5. Committee size. Legislative study committees may consist of no fewer than 3 and no more than 13 members.

6. Staffing. Unless the Legislative Council directs otherwise, Legislative Council staff will only be assigned to legislative studies that conform to this Joint Rule.

7. Reporting dates. All reports of legislative study committees that are to be submitted to a first regular session must be completed and submitted not later than the first Wednesday in November preceding the

convening of the first regular session of the next legislature. All reports of legislative study committees that are to be submitted to a second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Upon request of the study committee, the Legislative Council may extend the reporting date, except that the extension may not go beyond December 15th in odd numbered years or beyond the first Wednesday of December in even numbered years.

8. Legislation may not be introduced by legislative studies or non-legislative study groups. Legislative and non-legislative study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative or non-legislative study committee or group, the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

9. Compensation. Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.

10. Study table. All joint study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or House. The Legislative Council shall review the proposed studies and authorize the allocation of budgetary and staffing resources for those studies.

11. Legislative Council study policies. The Legislative Council shall adopt policies governing legislative studies at the beginning of each legislative biennium. Those policies may include conditions on the funding of legislative studies, exceptions to this Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

EXPLANATION OF PROPOSED CHANGE

Eliminates from the definition of “legislative resources” the act of appointing members to a legislative study committee.

STRAW VOTE: 10-0

Rule 353. Legislative Studies.

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. Any bill, resolve or joint order proposing a legislative study that is inconsistent with this rule must be reviewed and approved by the Legislative Council.

1. Definitions. For the purposes of this Joint Rule, the following terms have the following meanings:

A. The term “legislative study” or “legislative study committee” means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources;

B. The term “legislative resources” means the expenditure of any funds appropriated or allocated to the Legislative Account, the appointment of one or more persons by the Legislature, the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and

~~C. The term “non legislative study” or “non legislative study group” means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.~~

2. Establishing legislative studies. A legislative study may only be created by joint study order, unless the instrument directs an agency or a person who is not a legislator to take an action or has an existence that extends beyond the Legislature in which it is introduced. A joint standing committee may report out a joint study order requesting that a study be conducted.

3. Appointment of members. A majority of legislative study members must be legislators and the legislative study committee must be chaired by legislators appointed in a manner consistent with subsection 4. The legislative study committee must include members of the 2 parties holding the largest number of seats in the Legislature. All members of legislative study committees established by joint study order must be appointed by the presiding officers: Senate members by the President and House members by the Speaker. Members of a legislative study created by joint study order who are not legislators must be appointed either by the President or the Speaker. Legislative studies may include a minority of non-legislative members appointed by someone outside the Legislature. Joint appointment of members is not permitted.

4. Appointment of chairs. Legislative studies having more than 5 members must be cochaired by legislators. The first appointed Senate member must be the Senate chair and the first appointed House member must be the House chair. Legislative studies having 5 or fewer members must have a single legislative chair appointed by the presiding officer of the body of the originating study order or legislation. The chair of a legislative study having 5 or fewer members shall appoint a chair pro tem from among the appointed members to serve in the chair's absence.

5. Committee size. Legislative study committees may consist of no fewer than 3 and no more than 13 members.

6. Staffing. Unless the Legislative Council directs otherwise, Legislative Council staff will only be assigned to legislative studies that conform to this Joint Rule.

7. Reporting dates. All reports of legislative study committees that are to be submitted to a first regular session must be completed and submitted not later than the first Wednesday in November preceding the

convening of the first regular session of the next legislature. All reports of legislative study committees that are to be submitted to a second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Upon request of the study committee, the Legislative Council may extend the reporting date, except that the extension may not go beyond December 15th in odd numbered years or beyond the first Wednesday of December in even numbered years.

8. Legislation may not be introduced by legislative studies ~~or non-legislative study groups.~~ Legislative ~~and non-legislative~~ study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative ~~or non-legislative study~~ committee or group, the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

9. Compensation. Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.

10. Study table. All joint study orders or legislation proposing legislative studies must be placed on a special study table in the Senate or House. The Legislative Council shall review the proposed studies and authorize the allocation of budgetary and staffing resources for those studies.

11. Legislative Council study policies. The Legislative Council shall adopt policies governing legislative studies at the beginning of each legislative biennium. Those policies may include conditions on the funding of legislative studies, exceptions to this Joint Rule, drafting standards or other provisions necessary to satisfy the requirements of this Joint Rule.

EXPLANATION OF PROPOSED CHANGE

Eliminates from the Joint Rules reference to non-legislative studies, which are directed by legislation.

STRAW VOTE: 10-0